

**Notice of Allowability**

Application No.

10/518,219

Examiner

GUNYOUNG T. LEE

Applicant(s)

ALESSIO, DAVID J.

Art Unit

2875

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendments and remarks filed 12/16/2004.
2. ☒ The allowed claim(s) is/are 25-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____     | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other ____.  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on 12/16/2004 has been entered:
  - Claims 1, 10, 17-19 and 21-27 have been amended.

### ***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Anthony M. Del Zoppo (Reg. No. 51,606) on 2/14/2008.

The application has been amended as follows:

### **Claims**

4. Claims 1-24 are cancelled.
5. New claim 28 is submitted as below (therefore, claims 25-28 are pending, with the new claim 28 being independent):
  28. (New) A lighting device comprising:
    - a housing;
    - a first light emitting diode located on the housing;
    - a second light emitting diode located on the housing and spaced from the first light emitting diode;

- a first tilting magnifier lens arranged in a light path of the first light emitting diode for focusing a first light beam onto a target area;
  - a second tilting magnifier lens arranged in a light path of the second light emitting diode for focusing a second light beam onto the target area;
  - a rear housing coupled to a back side of the housing, the rear housing having a battery compartment;
  - a cover disposed over a front of the housing, the cover supporting the first and second tilting magnifier lenses relative to the first and second light emitting diodes; and
  - a third light emitting diode located between the first and the second light emitting diodes, wherein a light path of the third light emitting diode projects through a region of the cover disposed between the first and second tilting magnifier lenses.
6. Claim 25, line 1, "17" has been changed to --28--.
  7. Claim 26, line 1, "17" has been changed to --28--.
  8. Claim 27, line 1, "17" has been changed to --28--.

***Reasons for Allowance***

9. Claims 25-28 are allowed.
10. The following is the examiner's statement of reasons for allowance:
11. Claim 28 is allowable because the prior art fails to show or teach a lighting device having plural (first, second and third) light emitting diodes (LEDs) and (first and second) tilting lenses, wherein the first and second tilting lenses are supported by a cover and

arranged in light paths of first and second LEDs respectively, and a light path of the third LED projects through a region of the cover disposed between the first and second tilting lenses.

12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL

2/27/2008

/Sandra L. O'Shea/

Supervisory Patent Examiner, Art Unit 2875